SALUS POPULI SUPREMA LEX.

OR,

The Free THOUGHTS of a Well-Wisher,

For a good SETTLEMENT.

IN A

LETTER

TO A

FRIEND.

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OR,

The Free Thoughts of a Well-wisher, for a good Settlement, &c.

Sir,

THe settling of our Government, in this extraordinary meeting of the Estates, is a matter of that importance; that I cannot but wish I were as able to assist in it, as I am perswaded it is the duty of every man to contribute his best endeavours: And seing it is like to be the grand Question, *Whether we should call back the present King, or, at least, in his absence resolve on such a Regency, as may consist with the continuance of his Right; or rather plainly declare the Thron to be vacant, and supply it after Englands Example.* You shall have my Opinion as free from passion, as from particular intrest, which I think is as little as any mans can be.

I therefore humbly Conceive, that the Estates may, and ought, to declare the Thron to be vacant, and at the same time supply it, by setting up the Prince and Princess of *Orange*, after the example of *England* without variation.

And my reason is one, and most evident, and demonstrative, *viz.* Because the Thron is *de facto vacant*, as being deserted, and that God from Heaven, presents to us, and the Highest Necessity determines us, to embrace their Highnesses as the only Persons that can, and ought possess it. I know it was the method of *England*, first to take notice of the King's malversations, and thereupon, and upon his deserting, to find that he had *Abdicat*, and thereby rendered the Thron Vacant: But, tho' all good Men must perpetually regrate, the King's Fatal Addiction to the *Romish* Religion, and the Excesses it hath caused him to commit, and that now undoubtedly is the season to provide against these, and all other Errors in the Government. Yet seing that some may be ready to affirm, that by our late Laws we have too amply impowered, & by our complyance, too manifestly encouraged him in these very courses, to make these his Majesties charge: and that it is more becoming the Respect due to *Soveraign Majesty* in all events, and likewayes more easie to our old and National kindness to the ancient Race, and Line; to forbear such direct and extraordinary accusations. (leaving these to others) I rather choose, and fix upon the *medium* of the Kings deserting as that, which in our case is yet more palpable and clear then in that of *England*, and abundantly concludive of all I would inferr from it.

And that the King hath *deserted* the Thron, and us, is so apparent from that visible State of *Anarchy*, under which we have Laboured these months by past: That certainly all Considering men, in place of making it a matter of doubt, do rather Admire, and Praise the good Providence of the Almighty, who hath so graciously kept our peace, and prevented these ruining Mischiefs, to which such a Lawless condition, Joyned to our former intestine

Distempers, and Divisions. did expose us. Our Kings it's true have of a long time resided in *England*, Personally absent from us, and some may say, that his going to any other of his Dominions ought not to alter the case: But the *Desertion* we speak of, being not a simple non-residence, and personal absence, but a manifest abandoning, leaving us far more negligently, then he did *England*, without all Cause, Care, or Concernment; cannot be covered with this Pretence. If upon that great, and sudden pressure in *England*, that moved him to take such surprising measures; it had pleased his Majesty, to give any account of them, with what orders he might have thought necessary, to his Privy-Council in this Kingdom; something might be alledged to colour the *Derelliction*: But when nothing of this Nature was done, but the Government quite given up, in our greatest exigence, to the Conviction and Amazement of his own Privy Council, and all his Officers; who only encreased the common consternation, by following their Master's example, the thing is but too certain. And therefore I shall only sum up its evidence with these two remarks. First, that the King's leaving us, as he did, in his, and our then circumstances, is so unaccountable in all other reasonings; that it seems plainly to say, that it was his Majestie's good mind toward us, that we should follow *England's* fate, whatever it should prove. And next, that there appears so much of the Divine Soveraignty, over-ruling the King in the course he took in his departure; that it cannot but intimat to all Serious Observers, that thereby God thought good, to prepare the way for the happy choice, that he now presents.

If then the King hath deserted the Kingdom, and its Government, the Thron is necessarly vacant: And if the Thron be vacant, nothing can hinder to Declare it to be so, unless Men do prefer Confusion, and Ruin to order and Safety.

But because the Oaths of *Allegiance, and Test*, with other Engagements, seem to many, to be still binding; I shall resume the matter more particularly, in order to their Liberation and Relief. And therefore must, and do affirm from the most obvious evidence of things, that the *Desertion* we ly under is not only total, and absolute; but withall so causeless or rather pretenceless, beyond the case of *England*, without the least shaddow of constraint, or reason; that a more notable and clear breach of the *Fundamental Contract*, whereon all Government, as well as ours, Subsists, can hardly be imagined. I cannot here digress, to prove the Beeing, and Nature, of this fundamental contract: All Men of Sense, do easily apprehend, that Government is a matter of *Trust*, and not of *property* or *absolute Dominion*; and that, tho' the ordinance in it self, as also that of Marriage, be of God, yet the establishing of it in this or that form, and upon this or that Person, and Familie, is, after the parallel of the same Example, of mans free choice and agreement: It being Impossible to Imagine, how either the *Hostility* of conquest should terminat, or the vain old World pretence of *Paternal power*, the presumptive force of *Prescription*, or the true and genuine vertue of a Surrender, take place to introduce Government, without the supposition of this *mutual Consent*, and *Contract*, either imply ed, or expressed. And thus indeed, it is, and no other wayes, that the *Powers* which in the first Sense, and in the *Abstract* are by the Apostle *Paul* truely said, *to be of God*; are yet in the second Sence, and *in the Concret*, Justly called, by the Apostle *Peter*, *the Ordinances of Man*. We have too long been inured, by Men of Corrupt Designs, and practices, to a certain false Cant, *that the King holds his Crown immediatly from God Almighty alone*. But now, Blessed be God, all Men not wilfully blind, do see, and the very Authors of this Language, begin to confess, that it is otherways; and that Government is founded in *Consent*, and truely and only best bound by this *Fundamental Contract*. Whereof the *Essentials viz.* That a King should rule, and Protect, and the People Obey, and Submit, in Righteousness, for the Glory of God, and the good of the Common-wealth, need no *Record*, more then the Necessary duties of Man and Wife in the Contract of Marriage, as being in both cases inseperable from the very Beeing of the Ordinances. And for the *Naturals* and *Accidentals*, as Lawyers speak, of this Contract of Government, they may be seen, and read, in the perpetual consuetude, and other Laws of the Kingdom; and are all confirmed

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by the mutual Stipulations, Promises, and Oaths customary, specially at Coronations, betwixt King and People.

Our King then, as all others, being King by Contract, acknowledged by his accepting of the Government, and requiring of us the *Oaths* of *Allegiance*, and other engagements; which expres our part of the contract, and no les necessarly suppose his: It is evident as the meridian light, that if he either *Renounce, Abdicate, or totaly Desert*, he wholly breaks his part, dissolves the Contract, and looses us, from our part, and all the promises, Oaths, and Tests by which we can be thereto bound. The compact of Marriage is certainly the most Divine, and binding, known amongst men; and here God is said to joine, and in such a manner, that neither of the Parties tho most free Contracters, and both consenting, may separate without his warrand: Yet if one of the Parties, specially the *unbelieving*, depart the Apostle pronounces directly from the Nature of the Contract, and Gods mind in its institution, *let him depart the other partie is not in Bondage in such a case*, either to his conjugal promise, or to any other Supervenient Oath, that may have intervened; But is as free from the *Law* of the Departer, or Deserter, as if he were naturally Dead: If then it be so in the business of Marriage, can any Man hesitat, but it must be much more so in the case of Government; the tye whereof, in the acknowlegment of all, falls many degrees short of the formers obligation: But so it is that the King hath deserted causelessly, totally, and absolutely, as hath been declared, and therefore in all Law, Reason, and Revelation, the Thron is vacant, and we are loosed from his *Law*, and all other supposable *engagements*.

But you may say, in the Apostles words, to the same purpose, *But God hath called us to peace*, and therefore we ought neither to be hasty, nor peremptory, but seing we know his Majesties departure was not his free choice, and that after this little *Secession* rather then *Desertion*, he purposes to return, as he hath signified by his letters, we ought to wait for him; and not so lightly throw off our Allegiance, to which we are by Nature, and Religion, so strictly bound. I answer, that what ever was the manner of the Kings departure from *England*, yet, as to us, it was a free choice, which hapening in such a juncture, and exposing us so dangerously to all the miseries of a Dissolution, is really Irreparable: specially seing that by the same default of his, *res non est integra*. But the Kingdom being obliged by the most binding Law, to wit, *Salus Populi Suprema Lex esto*, and the most cogent necessity of *self-preservation*, to fly and betake it self to his Highnes *Heavens-sent* Protection; it is impossible for us to retreat from it, without a most ungrate perfidie toward the Prince, and Damnable folly toward our selves, in rendring the whole Kingdom obnoxious to a greater *Forfeiture*, than can be secured against, by any offered Pardon and Indemnity, in our present circumstances. Admitting then, that his Majestie purposes to return; yet I say he must excuse us, since his offer is too late. But more especially because, as all good Men hear, and understand with regrate, he makes the offer by his Letters, in such a manner, as promises nothing, save a threatning *Invasion* of perfidious and cruel *French* and *Irish Papists*, to destroy our Religion, and make *Britain* a field of Blood, and an utter Desolation. Wherefore I must conclude, by way of Retortion, that seing both God, and the King, have *loos'd* us from our Allegiance, by his Majesties *Desertion*, as hath been proved; and God, as you say, doth also call us unto peace: we should undoubtedly shew our selves, the most notorious contemners of this sweet and Heavenly call, if after so great a deliverance, we should again bring back the King, with such a *sevenfold worse attendance* and thereby unavoidably render our *Last Estate* infinitly worse then our *First*.

But you may still urge, why so peremptory, and severe, you resisted, and opposed King CHARLES the first, with Arms, and yet, even in the hottest of the Warr, when you entered into a League and Covenant for its more effectual prosecution, you reserved his Majesties Soveraignity, and just Rights. Why then should the Kings simple departure, be now accounted worse, to inferr a Dissolution, and justify a Rejection, than what was reckoned in his Fa-

ther to be a Hostile *Invasion*. It's answered, not to touch upon any invidious comparison of their Persons, nor yet upon his Majesties woful defection from the true Protestant Religion, whereby he hath too visibly brought on himself, the curse that his Grand-father did, in this case leave, and entail on his posterity, I say, the Kings *Desertion* doth inferr a Dissolution, and warrand a Rejection, albeit his Fathers supposed *Invasion* was not carried that length; Because our warrs with the Father were but an incident unhappy quarrel, amongst our selves, as well as with our King; wherein, as it could not be said, that he had Deserted the Kingdom, or yet hostilly invaded it, by a Foraigne Force; so we had all reason to reserve his Soveraignity and just Rights, in the probable prospect, of a good Composure, and Peace. Whereas our present Kings *Desertion* is not only Causeless, Total, and Absolute, leaving the Thron vacant, to the evidence of every Mans sense; beyond all control, or excuse of reason, in the same manner as if he had been removed by Death, but in the just construction of Law, it imports such a *voluntary Dereliction*, as frees us from our former Allegiance, and layes on us an Indispensible Obligation of providing for a *new Establishment*. *Si Rex enim Imperium abdicavit, aut manifeste habet pro Derelicto*, says Grotius, *in eum post id tempus, omnia licent quæ in Privatum.*

Having thus cleared the Nature and Import of the Kings *Desertion*, and that the Thron being *de Facto Derelinquished*, we are in the same manner loosed from the Law, and Oaths of our Allegiance, as if he were Naturally dead, and his Race extinguished; specially when we cannot now think of his Return, had his Reign been ten times more justifieable, without the Horrour of all the fatal consequenees of Blood, *Confusion* and *Desolation*; it is evident that for the Estates to declare the thing as it is, and to proceed to a new and necessary settlement, is not attended with the least difficulty.

And therefore I go on to the second point *viz*. That in this state of things, the Estates of the Kingdom ought to supply the vacancy of the Thron, by setting up their Highnesses the Prince and Princess of *Orange*, after *England's* example without variation. And the Reason I gave for it, was because, that God from Heaven presents them to us, and the highest necessity determines us to acquiesce in his good pleasure. And that God presents them, if there be any voice or language, in his providences, as certainly there is, it amounts in our case to a manifest Declaration. When after King *Solomons* death, the Lord so ordered the matter in the Treaty betwixt *Rehoboam*, and the People, that by his imprudent Answer, he provock'd the ten Tribes to Reject him; the Lord, by a Prophet, commands *Judah* to sit still, and desist from fighting, for, says he, *the thing is from me*. Can any Man then doubt, that in the concurrence of the many signal providences (more remarkable both for Number, and Weight, then can be instanced from all our Histories) which at present surround us to shew us the way, the Persons, whom God thus designs, ought to be Chosen and Embraced.

It was an *Inspiration* from God, that moved his Highness, and all the Protestant Princes in *Germany* to resent so cordially the *Distress* of the Protestant interest abroad, and it's *Danger* here with us. It was also another effect of the same *Divine Influence*; that excited his Highness *raising up the Righteous Man from the East*, and prevailed upon the Cautious and Warry Estates of the united Provinces, to set about so great, and incredible an *undertaking*, wherein a Man may justly doubt, whether the vastness of the *expence*, the *hazard* of the Seas, season, and tempests, or the *Preparations* and *Forces* of the Adversary, were more discouraging. But that God, should have so happily conducted thorow all these difficulties; turned, almost as one Man, the Hearts of all the People of *Britain*; and caused all the feared opposition to melt away, as Snow before the Sun, so that his Highness was without Battel, brought to *London* only with Joy & *Triumph*. *This, This is the Lord's doing and it is marvellous in our eyes*! Nor are the succeeding passages of his work, tho' not of so great a *Lustre*, of less *significancy* and moment, as to our present purpose: That his Majesty left *England* once and again so obstinatly; neglected and forgot *Scotland* totally; made the *French* King, that Enemy of God, and Man, his only refuge, and set up all his remaining hopes on *Tyrconnel* and his *Irish Papists*; that the

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meeting of the Estates in *England*, did so readily and unanimously settle the Soveraignity upon their Highnesses. And lastly that our Country-men, going to *London*, with such different Interests, and Designs, should yet have carried along with them, so much of the Spirit and Sense of the Nation, as to agree, almost as one Man, to address to his Highness, to take on him the Government and call the present Convention: All these, I say, laid together and recommending none other to us, then the very next in blood to the King that hath forsaken us, must, after the vacancy of the Thron above demonstrate, appear to every one, that regards the work of the Lord, and considers the operation of his Hands, to be nothing less then so many *Lines* from Gods Soveraign Power, and Wisdom, concentring to point out their Highnesses as the only Persons that ought and can possess it.

I Grant for all that hath been said, that providences of whatsoever kind and number are no Rule of Duty; nor do I here pretend to adduce them as such; but it being already cleared, that thorow the Kings *Desertion*, the Thron is vacant, the Government dissolved, and the Kingdom brought under the necessity of a new Establishment; I can hardly believe that any will be found so Refractory, as not to acknowledge, that such leading and perswasive *Providences*, are the best *Designations* of the Persons on whom we ought to fix.

Yet, lest such there may be, I shall farther consider the last part of the Argument, and that is, That even the highest necessity determines us to follow *England's* Example in this Affair, without variation. And this, I think may easily be Illustrat, as well from the Inconveniences, and Mischiefs on the one hand, if we divide: as from the Advantages on the other, if we joine intirely with them. And for the Inconveniences, the long and bloody Troubles, and Calamities, that this Kingdom suffered in its divided Estate from *England*, are yet too fresh in mens Remembrance, to suffer any to desire a relapse into it, unless it may be in this only prospect, that, according to the great change happened in our Circumstance, some may thereby now hope, for a speedy Conquest, as in any terms more desireable, than our best separat condition. The Conjunction of the two Kingdoms, under King JAMES the sixth, was a Blessing so long lookt for, and acceptable, that when he applyed to it, that saying, *Quos Deus conjunxit nemo separet*, he but spoke the true sense, and wish of both Nations: shall we then, when things are so much altered to the worse, be so unhappy as to aim at this unluckie separation? specially when it is most certain and visible, that the least apparent difference, betwixt *England* and us, at this time, would be a great encouragement to Enemies & discouragment to Friends, particularly our distressed Brethren in *Ireland:* And that if we do not directly call back the King (whereof I am sure the inevitable Evils above represented do raise in every honest man an extreme horror) We can take no other course distinct from that of *England*, without laying our selves open to all their dangers, with very small assurance of their assistance. I know the boiling of our *Scots* blood, upon a little stirring of the old Emulation, industriously practised by Papists, and such as affect them, may readily throw up, What? are not we a free Kingdom, and much more ancient than that of *England*? Why should we then be tyed to their Measures? specially to reject totally our King, Who, as to us, in respect of the English, is, as it were, of our Blood and Kindred. But first, after the recalling of the King, which is indeed the Point that all the Promoters of this humour aim at, there is no mids betwixt it, and an absolute rejection, that is not attended with most deterring Circumstances, as hath been already declared. Next, what doth all this vain talk signify? doth it add any thing to our strength, for preventing, or resisting, the abovementioned Inconveniences, which is the point that all Sober men ought mostly to heed; or is it not rather just like unto the *Thistles* Elevation, in King *Joash* his Parable, which after it had compared it self to the Cedar, was trode down by a wild Beast that passed by, which infallibly would be our fate, in attending to such empty Counsels.

Whereas on the other hand, if we go along, and hold with *England* in this Re-establishment;

bliſhment, we have God to be our Guide and Leader, as hath been ſhewed, and in the next place we may be aſſured, that as we are already threatned by the ſame hazard, and alſo rather more expoſed to them, then they, ſo the holding the ſame courſe with them will always procure us ready, and effectual aſſiſtance; greatly animat all our Well-wiſhers, ſpecially our Brethren in *Ireland*, and prove a happy Introduction to the long deſired Union of both Kingdoms, which laſt motive of a good and perpetual Union, is of it ſelf ſufficient, to all Conſidering men, to preponderat all can be ſaid on this head: it being indeed the only thing wanting to compleat the happineſs, and ſecurity of both Kingdoms; and that which ſeems reſerved to the Prince of ORANGE, as *the man of God's right hand*, able to ſurmount, and adjuſt all the difficulties of ſo great a Work, and worthy to bear its Glory.

Thus you have my opinion, and the Lord give all Concerned a true, and right underſtanding. If bare *Infidelity* or *Difference* in *Religion* were here adduced as cauſes, to make void the King's Title and Authority; the *Weſtminſter* confeſſion (tho' well enough cautioned, by the qualities of *Juſt* and *Legal* to exempt us from the late impoſings) might yet occaſion ſome to ſcruple: or if Malverſations were the only ground, theſe might, as I have ſaid, make the enquiry more uneaſie, and the concluſion *leſs unqueſtionable*. But when the King himſelf hath *loos'd* us, by ſuch a manifeſt, and irreparable *Deſertion*: And God from Heaven points out to us ſo Deſireable and Excellent a choice. And Laſtly when the moſt powerful neceſſity of the Preſervation of all that can be dear to us, oblidges us to imbrace it: What can poſſibly demurr true Proteſtants, and rational Men, to agree to it. Neither ought we to be alarmed at the Backwardneſs, and Refractorineſs of ſome whoſe ill conſciences of their former oppreſſions and violences, may deſperatly drive them to a more avowed oppoſition. Since beſide that it muſt be in it ſelf contemptible, nothing can more effectually defeat it, and all our other vain fears, then our *Reſolute* and *Unanimous* concluding and adhereing to ſuch a Juſt, Neceſſary, and Happy Re-eſtabliſhment, *Adieu.*

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